

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 10-27 are currently being prosecuted. The Examiner is respectfully requested to reconsider the restriction requirement in view of the remarks as set forth hereinbelow.

The Examiner has set forth a restriction requirement with regard to claims 1-27. The grouping of the claims is set forth as follows:

GROUP	CLAIMS	SUBJECT MATTER
I	1-17	Apparatus
II	18-27	Method

PATENT COOPERATION TREATY

At the outset, it is respectfully submitted that the present application entered into the national phase before the USPTO based on a PCT application. Thus, the rules that apply to the present application with regard to unity of invention are set forth in 37 CFR §§ 1.475 to 1.477.

As set forth in 37 CFR § 1.475(a), an international and a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. On May 4, 2005, the Examiner was provided with a copy of the International Preliminary Examination Report. In this report, the International Bureau examined claims 1-9 which included apparatus claims, instrument claims and method claims in a single application based on the fact that the claims were so linked as to form a single general inventive concept.

It is respectfully submitted that the present application does include claims that are so linked as to form a single general inventive concept. The Examiner's contention that the various groups of claims have special technical features is not believed to be tenable. Thus, restricting the claims of the present application is not believed to be proper.

Pursuant to 37 CFR 1.475(a), an international or a national stage application containing claims to a group of inventions so linked as to form a single general inventive concept wherein the technical relationship among the inventions corresponds to a special technical feature, should be considered in the same application. Thus, claims 10-27 should be considered in a single application. The Examiner is respectfully requested to reconsider the restriction requirement.

As set forth in Section 803 of the MPEP, the Examiner must examine an application on the merits if the examination of the entire application can be made without serious burden. Two criteria are identified for proper requirement for restriction:

1. The inventions must be independent or distinct as claimed; and
2. There must be a serious burden on the Examiner if the restriction is not required.

Applicants respectfully submit that a serious burden has not been placed on the Examiner to consider all of the claims in a single application. A review of the subject matter set forth in claims would have an overlapping search. Thus, a different field of search really does not exist with regard to the claims of the present application.

In order to be responsive to the Examiner's restriction requirement, claims 1-9 have been cancelled and claims 10-17 have been initially elected. The Examiner is respectfully requested to reconsider the restriction requirement and act on all of the claims in the present application. If

the Examiner does persist in the restriction requirement, Applicants reserve the right to file a divisional application directed to the non-elected claim at a later date if they so desire.

INFORMATION DISCLOSURE STATEMENT

The Examiner did not consider the Information Disclosure Statements that were filed on May 4, 2005 or May 9, 2008. The Examiner is respectfully requested to initial the forms PTO/SB/08a and return the initialed forms to the undersigned.

CLAIM FOR PRIORITY

The Examiner has not acknowledged Applicants' claim for foreign priority. The appropriate priority documents were filed with the WIPO. The Examiner is respectfully requested to acknowledge the Applicants' claim for priority.

DRAWINGS

The Examiner has not approved the replacement Formal Drawings submitted by the Applicants as filed on May 9, 2008. It is respectfully submitted that the drawings comply with the requirements of the USPTO. If the Examiner has any objections to the Formal Drawings she is respectfully requested to contact the undersigned as soon as possible so that appropriate action may be taken. No further action is believed to be necessary at this time unless the undersigned receives a notice from the Examiner.

Favorable action on the present application is earnestly solicited.

Application No.: 10/533,790
Response filed September 2, 2008
Office Action dated July 30, 2008

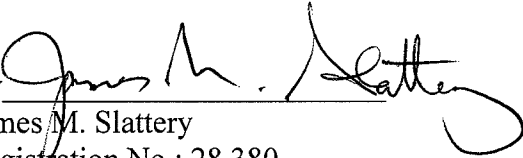
Docket No.: 0091-0245PUS1
Art Unit: 1797
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- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: September 2, 2008

Respectfully submitted,

By 
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